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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/252,925	02/19/1999	SHINJI OHNISHI	35.C13340	5040

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EXAMINER

NGUYEN, HANH N

ART UNIT PAPER NUMBER

2662

DATE MAILED: 12/11/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/252,925

Applicant(s)

OHNISHI ET AL.

Examiner

Hanh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on RCE filed on 10/23/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20, 26, 36, 39-41, 44 and 45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20, 26, 36, 39, 40, 41, 44 and 45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***DETAILED ACTION***

***Claim Objections***

Claims 36, 39, 40, 41, 44 and 45 are objected to because of the following informalities:  
“a communication system/method” on line 1 of each claim is vague and indefinite. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20, 26, 36, 40, 41 and 45 are rejected under 35 USC 103(a) as being unpatentable over **Matsuyama** (US Pat. No. 6,567,177 B2) in view of **Hamilton et al.** (US Pat. No. 6,223,211 B1).

In claims 20, 26, 36 and 41, **Matsuyama** discloses, in Fig.27, a user (a source node), at step S1, requests to send an image file (segment data) to an image server (a destination node) for registering ( for storing the segment data). See col.31, lines 20-22. At step S15, user informs image server of the file size to be transmitted (step S14); and requests image server to check remaining memory amount. See col.31, line 65 to col.32, line 10. At step S16, image server checks the remaining memory amount (preparation for receiving segment data). See col.32, lines 10-14. At step S17, image server (destination node) informs the user about its remaining memory

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amount (notifies information about a size of receiving buffer to the source node) which is equal or greater than the size of required image file. See col.32, lines 14-20. At step S20, user sends the requested image file, which is registered at step S21, in the image server (after a preparation for receiving segment data, sending segment data to the destination node for registering). See col.32, lines 47-55. From description shown in Fig.1, user 101 (source node) is connected with image server 102 (destination node) via a transmission bus (a logical connection between a source node and a destination node). See Fig.1. **Matsuyama** does not disclose the transmitted segment data has address information relating to a portion of the receiving buffer to a destination node.

**Hamilton et al.** discloses, in Fig.2, a client 50 transmits audio/video clips (segment data) to a server 40. Client 50 requests server 40 to create a contents of a tracklist (buffer) in advance for storing the audio/video clips (adapt to store segment data in a portion of receiving buffer). See col.6, lines 35-40. Server responds to the client with an identifier (address information) for the tracklist (buffer) which the client includes in the audio/video clips for transmitting (segment data has address information relating to a portion of the receiving buffer to a destination node). See col.6, lines 35-65. Therefore, it would have been obvious to one ordinary skill in the art to modify the Matsuyama by having a buffer that reserves a portion for storing audio/video data, wherein the audio/video data has address information indicating the storage location.

In claims 40 and 45, **Matsuyama** discloses, in Fig.27, the file that is transmitted from client to image server is image data ( segment data includes image data). See col.31, lines 20-25. **Matsuyama** does not disclose the segment data is audio data. **Hamilton et al.** discloses, in Fig.2, a client 50 transmits audio/video clips (segment data is audio data) to a server 40. See col.5, lines 4-10. Therefore, it would have been obvious to one skill ordinary in the art to modify

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the **Matsuyama** by comprising audio and image data as segment data for transmitting to destination node.

Claims 39 and 44 are rejected under 35 USC 103(a) as being unpatentable over **Matsuyama** (US Pat. No. 6,567,177 B2) in view of **Hamilton et al.** (US Pat. No. 6,223,211 B1), and further in view of **Iwamura** (US Pat. No. 5,883,621).

In claims 39 and 44, **Matsuyama** does not disclose the source and destination nodes include IEEE-1394 communication data units. **Iwamura** discloses a source device transmits audio/video data to a receive device, wherein the source device and the receive device correspond to the IEEE-1394 standard (the source and destination nodes include IEEE-1394 communication data units). See Abstract. Therefore, it would have been obvious to one ordinary skill in the art to modify **Matsuyama** by using the source and the destination devices that correspond to IEEE-1394 standard.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hamilton et al. (US Pat. No. 5,987,501) discloses Multimedia System having Server for Retrieving Media Data as Indicated In the List Provided By a Client Computer.

Takeda et al.(US Pat. No. 6,101,215) discloses Data Transmission Apparatus, data Reception Apparatus, and Medium.

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Campbell et al. (US Pat. No. 5,373,550) discloses Transmission of Check Images by way of a Public Switched telephone Network.

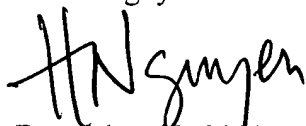
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 703 306-5445. The examiner can normally be reached on Monday-Friday 8:30 AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703 306-4744. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9314 for regular communications and 703 308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.

Fax: (703) 872-9314

Hanh Nguyen



December 10, 2003